

School Opt Out Election (SDCL 10-12-43)

The opt out decision may be referred to a vote of the people upon a resolution of the governing body of the school district or by a petition signed by at least five percent of the registered voters in the school district and filed with the governing body within twenty days of the first publication of the decision. This decision must be made between January 1st and July 15th.

The opt out election must be held on or before October 1st of the year prior to the time the taxes are payable.

Timeline

Governing body makes resolution to opt out, **but does not make the resolution to take this directly to the vote of the people but allow for the petition process to refer the resolution.**

Publish decision of governing body within ten days of the decision. This decision will be published twice with no fewer than five days between publication dates. (SDCL 10-12-43)

Petitions must be filed within 20 days of the first publication of the decision to opt out.

Petitions are filed and the required number of signatures are turned in and school board meets to set the opt out election date. There is no timeframe in statute that requires this date to be set within a certain date from receiving the petitions. The only timeframe in statute is that the election must be held on or before October 1st.

Publish two notices of voter registration deadline. The notices of voter registration deadline will be published once each week for two consecutive weeks and the last publication to be not less than ten nor more than fifteen days before the deadline of voter registration. (SDCL 12-4-5.2)

Voter Registration Deadline is 15 days prior to the election. (SDCL 12-4-5)

Absentee ballots must be available no later than fifteen days prior to the election. (SDCL 13-7-13)

Publish two notices of election. The notices of election will be published once each week for two consecutive weeks with the first publication not less than ten days before the election. (SDCL 13-7-8)

Publish facsimile of ballot during the week prior to the election. (SDCL 13-7-8)

Official canvass. The election results shall be canvassed by the school board at the next meeting. (SDCL 13-7-8)